

REGISTER OF ACTIONS**CASE No. 23CV38869****A.S. vs State of Oregon, Red Rock Canyon School, LLC, Red Rock Canyon School Non-Profit Organization, Sequel TSI Holdings, LLC, Sequel Youth and Family Services, LLC et al.**§
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§Case Type: **Tort - General**
Date Filed: **09/22/2023**
Location: **Multnomah****PARTY INFORMATION**

		Attorneys
Defendant	Jones, Marilyn	
Defendant	Marshall, Glenda	
Defendant	McLellan, Jana	
Defendant	Palm, Gena	
Defendant	Red Rock Canyon School Non-Profit Organization	
Defendant	Red Rock Canyon School, LLC	
Defendant	Santi, Ryan	
Defendant	Sequel TSI Holdings, LLC	
Defendant	Sequel Youth and Family Services, LLC	
Defendant	Sequel Youth Services of Red Rock Canyon, LLC	
Defendant	State of Oregon <i>Acting By And Through</i> Department of Human Services	Drew K Baumchen <i>Retained</i> 503 947-4700(W)
Defendant	Stupak, John	
Defendant	Vivant Behavioral Healthcare, LLC	Minney Thind <i>Retained</i> 619 788-0061(W)
Plaintiff	A.S.	Jeremiah Vail Ross <i>Retained</i> 503 224-1658(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS		
09/22/2023	<u>Petition</u> <i>and Memorandum ISO Motion to Proceed Under Pseudonym</i> Created: 09/26/2023 11:26 AM	
09/22/2023	<u>Order</u> (Judicial Officer: Matarazzo, Judith H) <i>allowing Ex Parte Motion to Designate Known Parties Using Pseudonyms</i> Signed: 09/22/2023 Created: 09/26/2023 11:27 AM	
09/22/2023	<u>Complaint</u> <i>Negligence; Not Subject to Mandatory Arbitration</i> Created: 09/26/2023 11:27 AM	
09/22/2023	<u>Service</u> State of Oregon	Served 11/01/2023 Returned 11/01/2023

	Red Rock Canyon School, LLC	Unserved	
	Red Rock Canyon School Non-Profit Organization	Unserved	
	Sequel TSI Holdings, LLC	Served	10/05/2023
		Returned	10/09/2023
	Sequel Youth and Family Services, LLC	Served	10/09/2023
		Returned	10/12/2023
	Vivant Behavioral Healthcare, LLC	Served	10/05/2023
		Returned	10/09/2023
	Sequel Youth Services of Red Rock Canyon, LLC	Served	10/09/2023
		Returned	10/12/2023
	Jones, Marilyn	Served	11/06/2023
		Returned	11/06/2023
	McLellan, Jana	Served	10/31/2023
		Returned	11/02/2023
	Marshall, Glenda	Served	10/09/2023
		Returned	10/20/2023
	Santi, Ryan	Unserved	
	Palm, Gena	Unserved	
	Stupak, John	Unserved	
	Created: 09/26/2023 11:27 AM		
10/09/2023	<u>Proof - Service</u>		
	Created: 10/09/2023 10:24 AM		
10/09/2023	<u>Proof - Service</u>		
	Created: 10/09/2023 11:05 AM		
10/10/2023	<u>Proof - Service</u>		
	Created: 10/12/2023 12:55 PM		
10/10/2023	<u>Summons</u>		
	Created: 10/12/2023 12:55 PM		
10/10/2023	<u>Proof - Service</u>		
	Created: 10/12/2023 12:55 PM		
10/10/2023	<u>Summons</u>		
	Created: 10/12/2023 12:55 PM		
10/12/2023	<u>Proof - Service</u>		
	Created: 10/13/2023 9:01 AM		
10/12/2023	<u>Proof - Service</u>		
	Created: 10/13/2023 9:02 AM		
10/17/2023	<u>Notice</u>		
	<i>of intent to appear</i>		
	Created: 10/19/2023 4:35 PM		
10/20/2023	<u>Summons</u>		
	Created: 10/23/2023 9:42 AM		
10/20/2023	<u>Summons</u>		
	Created: 10/23/2023 9:42 AM		
10/20/2023	<u>Proof - Service</u>		
	Created: 10/23/2023 9:43 AM		
10/20/2023	<u>Summons</u>		
	Created: 10/23/2023 9:43 AM		
11/02/2023	<u>Proof - Service</u>		
	Created: 11/03/2023 4:28 PM		
11/02/2023	<u>Summons</u>		
	Created: 11/03/2023 4:28 PM		
11/02/2023	<u>Proof of Service - Substitute</u>		
	Created: 11/03/2023 4:28 PM		
11/02/2023	<u>Summons</u>		
	Created: 11/03/2023 4:28 PM		
11/06/2023	<u>Proof - Service</u>		
	Created: 11/07/2023 11:37 AM		
11/06/2023	<u>Summons</u>		
	Created: 11/07/2023 11:37 AM		
11/07/2023	<u>Notice - Representation</u>		
	Created: 11/07/2023 2:55 PM		
11/07/2023	<u>Declaration</u>		
	Created: 11/07/2023 2:56 PM		

FINANCIAL INFORMATION

	Defendant Vivant Behavioral Healthcare, LLC		
	Total Financial Assessment		594.00
	Total Payments and Credits		594.00
	Balance Due as of 11/08/2023		0.00
11/07/2023	Transaction Assessment		594.00
11/07/2023	xWeb Accessed eFile	Receipt # 2023-717254	Vivant Behavioral Healthcare, LLC (594.00)
	Plaintiff A.S.		
	Total Financial Assessment		594.00
	Total Payments and Credits		594.00
	Balance Due as of 11/08/2023		0.00

09/22/2023	Transaction Assessment			594.00
09/25/2023	Phone Payment	Receipt # 2023-608960	Ross, Jeremaiah	(594.00)

Verified Correct Copy of Original 9/25/2023.

FILED

2023 SEP 22 PM 4:17

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited
liability company, RED ROCK CANYON
SCHOOL NON-PROFIT ORGANIZATION,
a foreign nonprofit; SEQUEL TSI
HOLDINGS, LLC, a foreign limited liability
company; SEQUEL YOUTH AND FAMILY
SERVICES, LLC, a foreign limited liability
company; VIVANT BEHAVIORAL
HEALTHCARE, LLC, a foreign limited
liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON,
LLC, a foreign limited liability company.
MARILYN JONES in her individual and
official capacity; JANA MCLELLAN, in her
individual and official capacity; GLENDA
MARSHALL in her individual and
professional capacity; RYAN SANTI, in his
individual and official capacity; GENA
PALM, in her individual and professional
capacity; and JOHN STUPAK, in his
individual and official capacity.

Defendants.

Plaintiff, A.S. ("Plaintiff") alleges:

Case No. 23cv38869

COMPLAINT

(Negligence-Foster Child & Civil Rights
Violations)

DAMAGES NOT TO EXCEED-\$775,000.00.

CLAIM NOT SUBJECT TO MANDATORY
ARBITRATION

DEMAND FOR JURY TRIAL

Filing Fee Pursuant: 21.160 (c)

1.

This claim is not subject to mandatory arbitration due to the amount of the prayer.

2.

The Department of Human Services (“DHS”) is a duly authorized agency of Defendant State of Oregon that is responsible for the delivery and administration of programs and services to Oregon’s foster children and to provide for their safety and welfare while the foster children are in the State of Oregon’s legal custody. Defendant DHS is legally responsible for all acts and omissions of DHS agents, contractors, subcontractors, and their employees undertaken while acting under the authority of DHS.

3.

Red Rock Canyon School, L.L.C. was a limited liability company with its principal place of business in Utah. Red Rock Canyon School, LLC is legally responsible for all acts and omissions of Red Rock Canyon School, LLC’s subsidiaries, agents, contractors, subcontractors, and their employees undertaken while acting under the authority of Red Rock Canyon School, LLC.

4.

Red Rock Canyon School Non-Profit Organization is a limited liability company with its principal place of business in Utah. Red Rock Canyon School Non-Profit Organization is legally responsible for all acts and omissions of Red Rock Canyon School Non-Profit Organization’s agents, contractors, subcontractors, and their employees undertaken while acting under the authority of Red Rock Canyon School Non-Profit Organization.

5.

Sequel Youth Services of Red Rock Canyon, LLC is a liability company with its principal place of business in Alabama. Sequel Youth Services of Red Rock Canyon, LLC is legally responsible for all acts and omissions of Sequel Youth Services of Red Rock Canyon, LLC subsidiaries, agents, contractors, subcontractors, and their employees undertaken while acting under the authority of Sequel Youth Services of Red Rock Canyon, LLC.

6.

Upon information and belief, Sequel TSI Holdings, LLC and Sequel Youth and Family Services, LLC (collectively “Sequel”) both conducted business as Sequel Youth and Family Services and are limited liability companies with their principal place of business in Huntsville, Alabama and manage Sequel Youth Services of Red Rock Canyon, LLC, Red Rock Canyon School Non-Profit Organization, and Red Rock Canyon School. Sequel is legally responsible for all acts and omissions of its subsidiaries, agents, contractors, subcontractors, and their employees undertaken while acting under the authority of Red Rock Canyon School Non-Profit Organization and/or Red Rock Canyon School, LLC.

7.

Upon information and belief, Vivant Behavioral Health Services, LLC (“Vivant”) is an Alabama Limited Liability Corporation that merged with Defendant Sequel Youth and Family Services, LLC and does business as Sequel Youth and Family Services. Upon information and belief, Vivant through Sequel Youth and Family Services and Sequel TSI Holdings, LLC owns, manages, and operates, Sequel Youth Services of Red Rock Canyon, LLC, Red Rock Canyon School Non-Profit Organization, and Red Rock Canyon School, LLC. Sequel is legally responsible for all acts and omissions of its subsidiaries, agents, contractors, subcontractors, and their employees undertaken while acting under the authority of Vivant and/or Sequel Youth and Family Services. Unless otherwise specified Vivant, Sequel TSI Holdings, LLC, Sequel Youth Services of Red Rock Canyon, LLC, Red Rock Canyon School Non-Profit Organization, and Red Rock Canyon School, LLC will be referred to as “Red Rock’s Management.”

8.

At all times material, Marilyn Jones (“Jones”) was the Oregon Child Welfare Director for the Oregon Department of Human Services and was acting under the color of Oregon Law. Jones was responsible for the safety and welfare of Oregon’s foster children, including A.S., at

1 Red Rock, and ensuring Red Rock was operated in accordance with Oregon Law and Oregon
2 DHS policies. She is being sued in her individual and professional capacity.

3 9.

4 At all times material, Jana McLellan ("McLellan") was acting under the color of Oregon
5 Law and was Deputy Child Welfare Director for the Oregon Department of Human Services.
6 McLellan was responsible for the safety and welfare of Oregon's foster children, including
7 A.S., at Red Rock Canyon School, and ensuring Red Rock Canyon School was operated in
8 accordance with Oregon Law, Oregon DHS policies. She is sued in her individual and
9 professional capacity.

10 10.

11 Glenda Marshall was resource liaison and consultant for Oregon's Child Protective
12 Services that was to ensure while housing Oregon Foster Children, Red Rock Canyon School
13 was operated in accordance with Oregon Law, and that the Oregon foster children housed at
14 Red Rock Canyon School were safe and were not physically, or emotionally abused. She is
15 being sued in her individual and professional capacity.

16 11.

17 Ryan Santi was a Sequel Vice President acting on behalf of the State of Oregon to
18 provide for the safety, general welfare, and education for Oregon foster children, including A.S.,
19 and was responsible for ensuring that Red Rock Canyon School was operated in accordance
20 with Oregon Law and Oregon DHS policies and to ensure Oregon foster children, including
21 A.S., were housed in a safe environment and not subjected to mental or physical abuse, and
22 were not subjected to unwanted religious teachings at school. He is being sued in his individual
23 and professional capacity.

12.

Gena Palm was the Sequel Executive Director acting on behalf of the State of Oregon to provide for the safety, general welfare, and education that was responsible for ensuring that Red Rock Canyon School was operated in accordance with Oregon Law and Oregon DHS policies and to ensure Oregon foster children, including A.S., were housed in a safe environment and not subjected to mental or physical abuse, and were not subjected to unwanted religious teachings at school. She is being sued in her individual and professional capacity.

13.

John Stupak was the Executive Vice Present and Chief Administrative Officer at Sequel Youth and Family Services acting on behalf of the State of Oregon to provide for the safety, general welfare, and education that was responsible for ensuring Red Rock Canyon School was operated in accordance with the Contract with Oregon DHS, Oregon Law, the Oregon foster children housed at Red Rock Canyon School were safe and were not subjected to unwanted religious teachings at school. He is being sued in her individual and professional capacity.

14.

A.S. is proceeding under a pseudonym. At all times material A.S. was a minor in the legal custody of the State of Oregon under the authority of ORS 419B.100, ORS 419B.150, *et seq.* A.S. is currently 18 years old, and at all times material expressed her sexual identity as bisexual.

15.

At all material times, Red Rock Canyon School was a facility that housed youth located at 747 E. St. George Blvd, in St. George, Utah. The aforementioned facility was a former motel with a large fence encircling it and was to provide residential care and services for youth in DHS foster care. Hereinafter the home is referred to as "Red Rock."

16.

At all material times Red Rock's Management held Red Rock out to the public as a co-ed residential center to house youth. Red Rock's Management held itself out to the public as being able to provide care for youth beyond what a traditional foster care home would provide. This resulted in States throughout the country, including Oregon, in housing youth with various backgrounds, including violent youth and youth addicted to illegal substances at Red Rock.

17.

From 2017 to 2019 local law enforcement had been called to Red Rock 72 times.

18.

At all material times the State of Oregon contracted with Red Rock's Management to house A.S. and other youth from Oregon at Red Rock. Defendants Jones, McLellan, and Marshall were aware that the contract for services mandated Oregon foster children to be cared for in accordance with Oregon law.

19.

Through its contract with Red Rock's Management, DHS, Jones, McLellan, and Marshall attempted to defer to Red Rock Management their legal obligations to provide for the safety, welfare, and education of Oregon's foster children housed at Red Rock, including, A.S.

20.

A.S. has ties to Columbia County and has been in and out of the legal custody of DHS throughout her life. DHS has placed A.S. in various foster homes and facilities, including Red Rock, throughout her life. A.S. has severe and ongoing psychological, behavioral, and emotional challenges that are a result of the unstable living environments she has endured throughout her life. These challenges were aggravated by the failures and actions of the Defendants as alleged in this Complaint.

21.

DHS, Jones, McLellan, and Marshall have a special relationship with A.S. as a result of DHS having the legal custody of A.S. As a result, DHS, Jones, McLellan, and Marshall were state actors acting under the color of Oregon Law and owe duties to her as a foster child under the United States Constitution, federal law, Oregon Law, Oregon administrative rules, and the professional standard of care for Oregon child welfare providers as alleged below.

22.

Red Rock's Management and employees, including Stupak, Santi, and Palm, have a special relationship with A.S. as a result of DHS having the legal custody of A.S. and contracting with Red Rock Management to provide for the safety, welfare, housing, and education of Oregon foster children, including A.S., at Red Rock. As a result, Red Rock Management, Stupak, Santi, and Palm were state actors acting under the color of Oregon Law and owe duties to A.S. as a foster child under the United States Constitution, federal law, Oregon Law, Oregon administrative rules, and the professional standard of care for Oregon child welfare providers as alleged in this Complaint.

23.

The United States Constitution's due process clause imposes duties on DHS and child welfare providers acting on DHS's behalf that include, but are not limited to:

- a) Ensuring that each child placed in foster care receives the services necessary to ensure their physical, mental, and emotional well-being in the least restrictive environment.
- b) Provide each child placed in foster care with conditions, treatment, and care that will not needlessly jeopardize the child's physical and emotional well-being.

1 c) Ensure that each child placed in foster care is free from the foreseeable risk of
2 physical, mental, and emotional harm.

3 d) Ensuring that each child placed in foster care does not leave.

4 24.

5 Oregon's laws ensure that each foster child has essential rights including those protected
6 by federal and state constitutions, laws, rules, and regulations as articulated in ORS 418.201(5),
7 and ORS 418.202. These rights are part of the professional standard of care in Oregon for DHS
8 and child welfare providers. These laws mandate that DHS has duty to:

- 9 a) Place each child in foster care in a foster placement that conforms to nationally
10 recommended professional standards, 42 U.S.C. 671(a)(10).
- 11 b) Provide for each child placed in foster care a written case plan that provides for safe,
12 appropriate, and stable foster care placements and implement that plan 42 U.S.C.
13 671(a)(16), 675(1)(A).
- 14 c) Provide for each child placed in foster care, where reunification is not possible or
15 appropriate, a written case plan that ensures the location of an appropriate adoptive
16 or other permanent home for the child and implements that plan, 42 U.S.C.
17 671(a)(16), 675(1)(E).
- 18 d) Provide for each child in foster care a written case plan that ensures the education
19 stability of the child while in foster care and implement that plan, 42 U.S.C.
20 671(a)(16), 675(1)(G).
- 21 e) Maintain a case review system in which the status of each child in foster care is
22 reviewed every six months by a court or person responsible for case management for
23 purposes of determining the safety of the child, the continuing necessity and
24 appropriateness of the foster placement, the extent of compliance with the
25
26

1 permanency plan, and the projected date permanency. 42 U.S.C. §§ 671(a)(16),
2 675(5)(B), 675(5)(C); and,

- 3 f) Provide to each child in foster care quality services to protect his or her safety and
4 health, 42 U.S.C. § 671(a)(22).

5 25.

6 Oregon statutes and administrative rules are the professional standard of care for Oregon
7 that impose duties on child welfare providers, including DHS and its child welfare providers:

- 8 a) Adhere to a “Foster Children’s Bill of Rights” as noted in ORS 418.202 and OAR
9 413-010-0180. This includes the rights to “be placed in the least restrictive
10 environment that appropriately meets individual needs, “to be protected from
11 physical and sexual abuse, emotional abuse, neglect and exploitation,” receive
12 appropriate care, supervision and *discipline*, to be provided free and appropriate
13 public education, to “be provided services to develop a safe permanent alternative to
14 the family” where reunification is not possible, to receive respect, be nurtured, and
15 attend activities in accordance with their background, religious heritage, race and
16 culture with reasonable guidelines as set by a case plan, the visitation plan, and the
17 court, have the ability to make complaints about the care, placement or services that
18 are unsatisfactory or inappropriate, and to be provided with written contact
19 information of specific individuals whom the child may contact regarding
20 complaints, concerns, or violations of rights. OAR 413-010-0180(1) & (2).
- 21 b) Monitor the out-of-home ongoing safety plan by having face-to-face contact with the
22 child’s guardians or each safety service provider. OAR 413-080-0059.
- 23 c) Visit each foster child at least once a month to have a DHS case worker determine if
24 the child’s needs are being met and if their needs have changed. OAR 413-020-
25 0245(1); OAR 413-080-0054(1).
- 26

- 1 d) Develop and implement service plans and agreements that address the needs, rights,
2 and best interests of the child and to advocate for the child's rights when community
3 members and institutions or DHS appear to encroach on the foster child's rights.
4 OAR 413-010-0210.
- 5 e) Respond to concerns in a childcare agency or proctor foster home to address the
6 concerns for the child or young adult. OAR 413-080-0052.
- 7 f) Ensuring that group foster facilities, such as Red Rock, used only staff and
8 volunteers who would not jeopardize the health and safety of the children. OAR 419-
9 400-0120, OAR 419-400-230.
- 10 g) Ensuring that group foster facilities, such as Red Rock, employed individuals that
11 complied with DHS's background check rules at OAR 407-007-0200 to 407-007-
12 0370, OAR 419-400-230.
- 13 h) Ensuring that group foster facilities, such as Red Rock, employed individuals who
14 meet the staff minimum qualifications as stated in the current job description and
15 under OAR 419-400-0000, *et seq.* OAR 419-400-0120, OAR 419-400-230.
- 16 i) Ensuring that group foster facilities, such as Red Rock, provided for the safety of
17 children, including adequate supervision. OAR 419-400-0010, OAR 419-400-230.
- 18 j) Ensuring that group foster facilities, such as Red Rock, adopted policies and
19 procedures that prohibited: acts designed to humiliate, ridicule, or degrade a child in
20 care or undermine the self-respect in care, using restraint or involuntary seclusion as
21 discipline, using harsh treatment, aversive conditions. OAR 419-400-0150.
- 22 k) Ensuring that child-caring agency staff who had been trained in the use of crisis-
23 intervention system approved by DHS could restrain children. OAR 419-400-0160.
- 24

25 ///

26.

The professional standard of care in Oregon for child welfare providers, including DHS and its child welfare employees and contractors such as Red Rock Management and their staff, also includes the following duties:

- a) A duty to ensure that a foster child's safety, and physical and mental health and well-being is not needlessly jeopardized.
- b) A duty not to abuse or neglect foster children.
- c) A duty to reasonably prevent foster children from being abused or neglected.
- d) A duty to provide foster children with reasonable, stable, and safe foster care planning and placements.

27.

The requirements of ORS 30.275 (1) to (7) are not applicable because A.S. was in the custody of the Department of Human Services when the acts or omissions giving rise to a claim occurred. In any event, the Tort Claims Act requirements have been satisfied.

28.

From January 22, 2018, to May 31, 2019, DHS housed A.S. at Red Rock Canyon School in Utah in accordance with its contract with Red Rock Management that Jones, McClellan, and Marshall were aware of.

29.

A.S. does not have any family, friends, or supportive individuals that reside in or near Utah.

30.

Upon her arrival at Red Rock, she was forced to give up her clothes and her minimal belongings were searched. A.S. then was placed with other roommates in a converted motel room.

31.

After her arrival, Red Rock staff routinely physically restrained A.S. with “pain restraints” that were often undocumented.

32.

On December 31, 2018, Red Rock staff physically restrained A.S. with what Red Rock referred to as a “pain restraint” and escorted her to an isolated room and left her there for hours.

33.

In January 2019 Marilyn Jones and Jana McLellan communicated regarding the State of Oregon’s inability to monitor and track Oregon foster children, such as A.S., that were placed in out of state facilities, such as Red Rock, to ensure these foster children were safe.

34.

In February 2019 Glenda Marshall became aware of a news report regarding a facility managed by Red Rock Management that was under investigation by Disability Rights Washington for overly restrictive physical restraints, and policies, training, and oversight that did not protect against abusive physical restraint. Upon learning of the abuse, Washington officials removed their foster children. In response to the Disability Rights of Washington Report, Marshall sent an email to Red Rock Management noting “We just wanted to inform you that this afternoon, despite our request to keep this information confidential, the media here in Oregon was given a list of programs where Oregon youth are placed for treatment in other states.” Marshall, Jones, and McClellan did not make an effort to remove A.S. from Red Rock.

35.

On April 5, 2019, Red Rock staff physically restrained A.S. with what Red Rock referred to as a “pain restraint.”

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36.

On April 16, 2019, Red Rock staff physically restrained A.S. in a “pain restraint.” Red Rock then moved her to a room and held her in isolation against her will for a lengthy period of time. Red Rock’s physical restraint of A.S. caused A.S. to suffer from abrasions to her arms and shoulders.

37.

In April 2019 an Oregon State Senator sent an email that was communicated to Jones, McLellan, and Marshall informing Oregon DHS that Idaho refused to house foster children at a facility managed by Red Rock Management due to safety concerns for the foster children. Within hours of receiving that email, Marshall forwarded it to a marketing executive working for Red Rock Management. Jones, McLellan, and Marshall did not immediately remove A.S. from Red Rock Canyon School.

38.

On or about April 28, 2019, A.S. was present at Red Rock Canyon school when a large violent riot broke out between numerous youth and staff. This resulted in law enforcement responding to Red Rock with a large police presence armored in tactical gear, pointing weapons and restraining students, some of whom were bystanders or had just witnessed the riots.

39.

On or about May 1, 2019, Oregon DHS officials went to Red Rock and met with Oregon foster children and noted the children were still very escalated from the riot.

40.

On May 9, 2019 the State of Utah’s Department of Human Services restricted Red Rock Canyon School’s licenses to conditional status because: 1) it had determined Red Rock Canyon School’s staffing ratios were unlawful and led to violence at Red Rock Canyon School; 2) Staff had worked at Red Rock Canyon School after expiration of their background screening; 3) Red

Verified Correct Copy of Original 9/25/2023.

1 Rock Canyon School failed to report the April 28, 2019 riot to Utah officials until May 1, 2019;
2 4) Red Rock Canyon School made humiliating and degrading comments to residents of the
3 program; 5) Red Rock Canyon School was permitting students to “restrain” other students; 6)
4 Red Rock Canyon school was permitting its staff to mistreat, abuse, and disrespect students.

5 41.

6 In May 2019, Jones, Marshall, and McLellan were aware of the April 2019 Red Rock
7 riot and that Utah State and Washington State removed all of their foster children from Red
8 Rock due to concerns that foster children were not safe. A.S. was not immediately removed.

9 42.

10 On May 18, 2019, Red Rock staff physically restrained A.S. with what Red Rock
11 Management refers to as a “pain restraint.”

12 43.

13 While A.S. was residing at Red Rock, Oregon DHS case workers did not have a face-to-
14 face visit with A.S. every thirty days.

15 44.

16 While A.S. was residing at Red Rock she was mandated to attend educational classes at
17 Red Rock that were managed and operated by Red Rock’s Management. A.S.’s assigned
18 teacher was aware that A.S. identified as bisexual. While attending this mandated school,
19 A.S.’s assigned teacher constantly subjected A.S. to a barrage of unwanted religious instruction
20 and proselytization. The assigned teacher recited biblical phrases and informed the class,
21 including A.S., that God had created a woman to love a man, and he informed A.S. and others,
22 that they would be sent to hell if they did not adopt and practice the Mormon faith.

23
24 ////

45.

While A.S. was residing at Red Rock A.S. was a victim of routine physical bullying by other residents, she was subjected to verbal and psychological abuse from other residents and staff, and she witnessed violent altercations between students and between students and staff.

46.

While A.S. was residing at Red Rock, she was aware of adult Red Rock staff having physical relationships with minors housed at Red Rock.

47.

While A.S. was residing at Red Rock, she was aware Red Rock staff were providing the minors housed at Red Rock with prescription pills that were not prescribed to the minors.

48.

On May 31, 2019, without any warning, A.S. was flown from St. George, Utah to Portland, Oregon in Multnomah County and driven to Roseburg Oregon to reside in a youth shelter.

49.

In addition to the physical harms and losses as described above, as a result of the events described above A.S. suffered from fear, isolation, anger, frustration, confusion, loss of trust, sleeplessness, restlessness, and aggravated her ability to deal with stressors in her environment, and loss of educational opportunities.

FIRST CLAIM FOR RELIEF
NEGLIGENCE
(AGAINST DHS AND RED ROCK MANAGEMENT)

Plaintiff re-incorporates paragraphs 2-49 above for each count below.

////

COUNT 1 AGAINST DHS

50.

At all times A.S. had a legally protected interest to be free from physical and emotional-distress-injury described in this Complaint, because the Court had ordered DHS to be her legal guardian, Oregon law imposes duties, as mentioned in this Complaint, on DHS to provide for the safety and well-being of foster children such as A.S., and DHS holds itself out to the public as an agency that will provide for the safety and well-being of children in its legal custody.

51.

A.S.'s physical and emotional injury as alleged in this Complaint is a result of DHS' individual and/or combined negligent conduct through the actions and/or inactions of its employees and/or agents, including Red Rock Management. More specifically, DHS was negligent in one or more of the following manners:

- (a) Defendant DHS was negligent in placing A.S. into Red Rock, when it knew or should have known, that Red Rock hired or retained staff who were not qualified to safely manage students.
- (b) Defendant DHS was negligent in placing A.S. into Red Rock, when it knew or should have known, that Red Rock hired or retained staff who were not qualified to physically restrain students.
- (c) Defendant DHS was negligent in placing A.S. into Red Rock, when it knew or should have known, that Red Rock failed to adequately train and supervise staff to keep children, such as A.S., safe.
- (d) Defendant DHS was negligent in placing A.S. into Red Rock, when it knew or should have known, that Red Rock failed to have an adequate number of staff members to care for A.S.'s safety and well-being.

- 1 (e) Defendant DHS was negligent in placing A.S. into Red Rock, when it knew or
2 should have known, that Red Rock failed to have an adequate number of staff
3 trained to intervene to de-escalate physical confrontations.
- 4 (f) Defendant DHS was negligent in placing A.S. into Red Rock, when it knew or
5 should have known, that Red Rock failed to prevent children from physically
6 assaulting or restraining other children.
- 7 (g) Defendant DHS was negligent in placing A.S. into Red Rock, when it knew or
8 should have known, that Red Rock allowed or failed to prevent staff from
9 emotionally and physically abusing children, such as, A.S.
- 10 (h) Defendant DHS was negligent in placing A.S. into Red Rock, when it knew or
11 should have known, that Red Rock was failing to provide detailed reports of
12 incidents involving physical harm or restraint of A.S.
- 13 (i) Defendant DHS failed to follow Oregon Law and Administrative Rules in
14 certification and re-certification of Red Rock Management to care for foster
15 children, such as A.S.
- 16 (j) Defendant DHS knew, or should have known, they were unable to adequately
17 monitor A.S. in Utah to ensure Red Rock was providing for the safety, care,
18 treatment, and education of A.S.
- 19 (k) Defendant DHS failed to monitor Red Rock by regularly visiting the facility.
- 20 (l) Defendant DHS failed to monitor Red Rock by failing to have Oregon DHS
21 caseworkers have face-to-face visits with A.S. every thirty days.
- 22 (m) Defendant DHS failed to monitor the group home by failing to have caseworkers
23 and/or certifiers have face-to-face visits with the group home employees every
24 thirty days.
- 25
26

- (n) Defendant DHS failed to monitor the group home by failing to have caseworkers and/or certifiers monitor the educational instruction to ensure that it was religiously neutral and did not deprive her of rights to a public education free from sectarian control.
- (o) After the April 2019 riot Defendant DHS was negligent for not immediately removing A.S. from the group home once it had concerns about Red Rock posing a threat to her safety and well-being.

COUNT 2 AGAINST RED ROCK'S MANAGEMENT

52.

At all times A.S. had a legally protected interest to be free from physical and emotional-injuries described in this Complaint, because the Court had permitted Red Rock Management to house A.S., Oregon Law imposes duties on foster care providers such as Red Rock Management to provide for the safety and well-being of foster children such as A.S., and Red Rock contracted with DHS to provide for foster children, such as A.S., a safe living environment.

53.

A.S.'s physical and emotional harm as alleged in this Complaint is a result of Red Rock Management's individual and/or combined negligent conduct through the actions and/or inactions of its employees and/or agents. More specifically Red Rock's Management was negligent in one or more of the following manners:

- (a) Red Rock Management hired or retained staff who were not qualified to safely manage students.
- (b) Red Rock Management hired or retained staff who were not qualified to physically restrain students.

- (c) Red Rock Management failed to hire and/or adequately train and supervise staff to keep children, such as A.S., safe.
- (d) Red Rock Management failed to have an adequate number of staff members to care for A.S.'s safety and well-being.
- (e) Red Rock Management failed to have an adequate number of staff trained to intervene to de-escalate physical confrontations.
- (f) Red Rock Management failed to prevent children from physically assaulting or restraining other children.
- (g) Red Rock Management allowed or failed to prevent staff from emotionally and physically abusing and exposing children to unlawful activity as described in this Complaint to children, such as, A.S.
- (h) Red Rock Management failed to provide detailed reports of incidents involving physical harm or restraint of A.S.
- (i) Red Rock Management failed to monitor the educational instruction to ensure that it was religiously neutral and did not deprive her of rights to a public education free from sectarian control.

COUNT 3 NEGLIGENCE *PER SE* AGAINST DHS

55.

Defendant DHS was negligent *per se* for violating the rules and laws that were meant to protect foster children from the types of harm alleged in this Complaint. More specifically:

- (a) DHS, through Red Rock Management, unlawfully placed A.S. in a restraint or involuntary seclusion in violation of ORS 418.523.
- (b) DHS failed to have face-to-face visits with A.S. every thirty days as required by OAR 413-080-0054.

- 1 (c) DHS failed to monitor the out-of-home ongoing safety plan by having face-to-
- 2 face contact with A.S. as required by OAR 413-080-0059.
- 3 (d) DHS failed to monitor the out-of-home ongoing safety plan by having face-to-
- 4 face contact with the child's guardians or each safety service provider as required
- 5 by OAR 413-080-0059.
- 6 (e) DHS failed to respond to the concern in a child-caring agency or proctor foster
- 7 home by failing to address the concern for the child or young adult as required
- 8 by OAR 413-080-0052.
- 9 (f) In failing to ensure Red Rock Management used only staff and volunteers who
- 10 do not jeopardize the health and safety of the children as required by OAR 413-
- 11 215-0061 and OAR 413-215-0556.
- 12 (g) In failing to ensure Red Rock Management trained the staff and provide an
- 13 orientation that included discipline and behavior management protocols and
- 14 when, if ever, restraint and seclusion are permissible. OAR 413-215-0556.
- 15 (h) In failing to ensure Red Rock Management met the minimum staffing patterns as
- 16 required by OAR 413-215-0561 (1) (2), and (5).

17 **COUNT 4 NEGLIGENCE *PER SE* AGAINST RED ROCK MANAGEMENT**

18 56.

19 Red Rock Management was negligent *per se* for violating the rules and laws that were
 20 meant to protect foster children from the types of harm alleged in this Complaint. More
 21 specifically:

- 22 (a) Red Rock Management unlawfully placed A.S. in a restraint or involuntary
- 23 seclusion in violation of ORS 418.523.
- 24
- 25
- 26

(b) Red Rock Management staffed the group home with personnel that jeopardized the health, safety, or welfare of children, including A.S. OAR 413-215-0061.

(c) In failing to ensure Red Rock Management trained the staff and provide an orientation that included discipline and behavior management protocols and when, if ever, restraint and seclusion are permissible. OAR 413-215-0556 or OAR 413-215-0656.

(d) In failing to ensure Red Rock Management met the minimum staffing patterns as required by OAR 413-215-0561 or OAR 413-215-0061.

57.

As a result of DHS and Red Rock Management's combined negligence as articulated in Counts 1-4 above A.S. suffered the non-economic damages, as detailed in paragraphs 2-49, she is seeking a reasonable amount to be assessed by a Jury but not to exceed the amount of \$250,000.00 and economic damages for future mental health counseling and vocational counseling at an estimated \$50,000.00.

SECOND CLAIM FOR RELIEF
BATTERY
(AGAINST RED ROCK MANAGEMENT)

58.

Plaintiff reincorporates paragraphs 2-49 above.

59.

Red Rock Management's employees and agents were acting in the course and scope of their employment when they needlessly caused harmful or offensive touching of A.S. while A.S. resided at Red Rock as alleged in paragraphs 31, 32, 35, 36, and 42.

////

60.

As a result of Red Rock Management's battery of A.S., A.S. is entitled to non-economic damages in the amount of \$50,000.00 for her fear, embarrassment, pain, humiliation, mental anguish, frustration, and distrust of others.

THIRD CLAIM FOR RELIEF
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(AGAINST RED ROCK'S MANAGEMENT)

61.

Plaintiff re-incorporates by reference paragraphs 2-16 above.

62.

Red Rock Management's staff while acting in the course and scope of their employment and while engaging in the acts described in paragraphs 31, 32, 35, 36, 42, 45, 46, and 47, knowingly, and intentionally, caused severe emotional distress to A.S. when they either: physically restrained her, physically subdued her, locked her in an isolated room, or exposed her to activities that endangered her safety, welfare, or well-being. A.S. did in fact suffer severe emotional distress as a result, and the conduct described in paragraphs 31, 32, 35, 36, 42, 45, 46, and 47 are beyond the bounds of all socially tolerable conduct.

63.

As a result of Red Rock Management employees' and agents' intentional infliction of emotional distress on A.S., she suffered the non-economic damages and is seeking a reasonable amount to be assessed by a Jury but not to exceed \$50,000.00.

FOURTH CLAIM FOR RELIEF
42 U.S.C. § 1983
FIRST AMENDMENT VIOLATION
(Against Red Rock Management, Santi, Palm, and Stupak, in their professional capacities)

64.

As applicable, Plaintiff incorporates the above paragraphs.

65.

Under the First Amendment to the United States Constitution and the Oregon Constitution, Article I, Section 3, 5, and 8, Red Rock Management, Santi, Palm, and Stupak in their professional capacities are responsible for the abuse A.S.'s the right to a secular public education while in legal custody of the State of Oregon and confined to the Red Rock facility. Under both the Oregon Constitution and the First Amendment to the United States Constitution made applicable to the States by the Fourteenth Amendment, A.S. had a right to abstain from practicing religion at Red Rock or be subjected to religious proselytization while receiving mandatory educational instruction.

66.

Red Rock's agent violated A.S.'s right to free speech by engaging in the conduct alleged in paragraph 44 and doing one or more of the following:

- a) Proselytizing religion to A.S. while she was attending a general education class.
- b) Informing A.S. while she was in class that she would be sent to hell if she did not adopt the Mormon faith.
- c) Addressing A.S.'s bisexuality by informing her that God created women to love men.
- d) Imposing the Mormon faith and Christianity on A.S. while she was attending class.

67.

Red Rock's actions noted in the paragraph above imposed unwanted religious beliefs and proselytization on A.S., which infringed on her right to freely abstain from exercising a religion, her right to free speech, assembly, and free association.

68.

As described above and at least in part, one or more of Red Rock Management's well-established policies, official practices, and/or their acts, described above, caused, or ratified by Santi, Palm, Stupak violated Plaintiffs' First and Fourteenth Amendment Rights. As a result, they are liable for the violation of A.S.' right not to be subjected to violations of her rights under the First Amendment to the United States Constitution.

69.

As a result of the violations of A.S.'s Constitutional rights articulated in this Claim for relief, A.S. suffered frustration, embarrassment, anger, confusion, and emotional distress as described in this Complaint.

70.

As a result of the above, A.S. is entitled to an award of non-economic damages in the amount of \$25,000.00.

71.

Pursuant to 42 U.S.C. § 1988, A.S. should be awarded her attorney fees and litigation expenses/costs against all Defendants named in this claim.

FIFTH CLAIM FOR RELIEF

42 U.S.C. § 1983

**FIFTH AND FOURTH AMENDMENT VIOLATION
OF LIBERTY INTEREST AND DUE PROCESS**

(Against Red Rock Management, Santi, Palm, and Stupak, in their professional capacity)

72.

As applicable, Plaintiff incorporates the above paragraphs.

////

73.

Under the Fifth and Fourteenth Amendments of the U.S. Constitution, A.S. has the right to equal protection, due process of law, and a liberty interest, including the right to be protected from suspected or physical abuse and the right to bodily integrity and physical safety while in the custody of the State of Oregon.

74.

Defendants Red Rock Management, Santi, Palm, and Stupak in their professional capacity were acting under the color of Oregon Law and had a special relationship with A.S. as she was in the legal custody of the State of Oregon who contracted with Red Rock Management who was acting on behalf of the State of Oregon to provide for her safety and well-being.

75.

As described in the paragraphs above, in violation of the Fifth and Fourteenth Amendment of the United States Constitution Red Rock Management's agents:

- a) Had no lawful or constitutional basis for the use physical abuse, physical restraints, and isolation as described in this Complaint.
- b) Had no lawful or constitutional basis to subject A.S. to extreme, excessive, and potentially deadly physical force resulting in abrasions and bruises.
- c) Had no lawful or constitutional basis to subject A.S. to extreme, excessive, and unnecessary solitary confinement.

76.

As described above and at least in part, one or more of Red Rock Management's and the State of Oregon's well-established policies, official practices, and/or their acts, described above, caused, or otherwise was a driving force to make them liable for, the violation of A.S.' right not

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1 to be subjected to violations of his rights under the Fifth and Fourteenth Amendment to the
2 United States Constitution.

3 77.

4 The ratification of the conduct of Red Rock Management and the State of Oregon's
5 agents described above makes Defendants Red Rock Management, Santi, Palm, and Stupak,
6 liable for Red Rock's agents' unconstitutional actions.

7 78.

8 As a result of the above conduct in this claim for relief, A.S. is entitled to an award of
9 economic and non-economic damages against Defendant Red Rock Management, Santi, Palm,
10 and Stupak in the amount of \$100,000.00 and \$50,000.00 for future mental health counseling.

11 79.

12 Pursuant to 42 USC § 1988, A.S. should be awarded her attorney fees and litigation
13 expenses/costs against all Defendants named in this claim.

14
15 **SIXTH CLAIM FOR RELIEF**

16 **42 U.S.C. § 1983**

17 **MONELL UNCONSTITUTIONAL/ILLEGAL CUSTOM, POLICY, OR PROCEDURE**
18 ***(Against Red Rock Management, Jones, Marshall, and McLellan in their Professional Capacity)***

19 80.

20 As applicable, Plaintiff incorporates the above paragraphs.

21 81.

22 Red Rock Management and the State Oregon through Defendant Jones, Marshall, and
23 McLellan had a policy, custom or procedure which allowed Red Rock employees and agents
24 and State of Oregon employees to fail to meet minimal standards and policies for providing for
25

1 the safety and welfare of children in the state of Oregon's legal custody as described in this
2 Complaint. This policy resulted in foster children, including A.S., to be sent to St. George Utah
3 where Jones, Marshall, and McLellan knew that the children could not be tracked and the abuse
4 and mistreatment of the children, including A.S., would go undetected because of the policy of
5 not having Oregon DHS caseworkers physically visit the sites or caseworkers having face-to-
6 face visits with the foster children including A.S. This is further evidenced by failure to
7 immediately remove A.S. from Red Rock after learning that other states had concerns regarding
8 the safety of foster children housed in facilities operated by Red Rock Management and
9 corresponding with Red Rock Management to assist Red Rock management in maintaining a
10 positive public image regarding its care of A.S. and Oregon foster children. These policies also
11 permitted Red Rock Management to subject A.S. to physical and emotional abuse, unlawful
12 physical restraint, and isolation of A.S. without fear of discovery or repercussions from the
13 State of Oregon.
14

15 82.

16 This policy also included Defendant Marshall assisting Red Rock Management in
17 covering up concerns regarding the safety and well-being of Oregon's foster children at Red
18 Rock, including A.S. once it was discovered other states felt Red Rock was unsafe, and that a
19 riot had occurred on the property.
20

21 83.

22 The State of Oregon through Jones, McLellan, and Marshall had specific knowledge of
23 the policy, custom or procedure of unlawfully warehousing Oregon's foster children at Red
24 Rock when they were aware Red Rock Management could not provide for the children's safety
25 and general wellbeing and that children in Red Rock Management's care were subjected to
26

1 physical and emotional abuse. Jones, McLellan, and Marshall also assisted in attempting to
 2 dampen concerns about the safety and wellbeing of Oregon's foster children, including A.S., at
 3 Red Rock by communicating with Red Rock management to control information that was
 4 provided to investigative entities and/or the press.

5 84.

6 As a result of the unofficial policies, customs or procedures described above, A.S. was
 7 subjected to physical and emotional abuse, unlawful restraint and isolation, unnecessary mental
 8 suffering, and mental and emotional injury all in violation of the Fifth and Fourteenth
 9 Amendment.
 10

11 85.

12 As a result of the above conduct in this claim for relief, A.S. is entitled to an award of
 13 economic and non-economic damages against Defendants State of Oregon through Jones,
 14 McLellan, and Marshall as alleged in paragraph 78.

15 86.

16 Pursuant to 42 USC § 1988, A.S. should be awarded her attorney fees and litigation
 17 expenses/costs against all Defendants named in this claim.

18 **SEVENTH CLAIM FOR RELIEF**

19 **42 U.S.C. § 1983**

20 **SUPERVISOR LIABILITY**

21 **CIVIL RIGHTS CLAIM – 5th AND/OR 14th AMENDMENTS**

22 ***(Against Santi, Palm, and Stupak in their Individual Capacity)***

23 87.

24 Plaintiff realleges and incorporates, as though fully set forth herein, all previous
 25 paragraphs above.
 26

88.

Defendants Santi, Palm, and Stupak were supervisors of Red Rock employees at the time of the events alleged herein. The Defendant supervisors oversaw the operations of Red Rock and had a duty to ensure subordinate staff followed all applicable policies, protocols, rules, childcare standards, and legal parameters, as well as a duty to change or update policies when changes were necessary. The Defendant supervisors failed to adequately and constitutionally train and supervise the subordinate staff. As a result of the failure to supervise, the supervisory Defendants are individually liable and were deliberately indifferent to A.S.'s liberty interest, and her right to safety and well-being while in the care of the State of Oregon, and other rights under the Fifth, and/or Fourteenth Amendments of the United States Constitution in one or more of the following particulars:

- a) Failing to ensure employees of Red Rock had proper training in deescalating conflict with the minor students.
- b) Failing to ensure employees of Red Rock had proper training to not expose the minor children to narcotics use, sexual interactions at the campus, and violence.
- c) Failing to ensure employees of the Red Rock exercised proper physical restraint techniques.
- d) Failing to ensure employees of the Red Rock documented physical restraint each time it was utilized.
- e) Failing to address minor's complaints of physical and emotional abuse from staff and exposing minors to drug use and sexual situations.

///

89.

As noted in the above paragraphs, Defendants Santi, Palm, and Stupak set in motion Red Rock Management's employees and agents series of acts that they knew or should have known violated Plaintiff's Fifth and Fourteenth Amendment rights as noted in this claim for relief.

90.

As a direct result of the actions and inactions of Defendants as set forth in paragraphs 31-46 above, A.S. endured and suffered physical injury and severe mental and emotional distress. A.S. seeks non-economic damages in compensatory damages in whatever amount the jury concludes is appropriate, not to exceed the damages as alleged in paragraph 78.

91.

Pursuant to 42 USC § 1988, A.S. should be awarded her attorney fees and litigation expenses/costs against all Defendants named in this claim.

EIGHT CLAIM FOR RELIEF
STATE CREATED DANGER
CIVIL RIGHTS CLAIM – 5th AND/OR 14th AMENDMENTS
(Against, Jones, Marshall, and McLellan in their Individual Capacity)

92.

As applicable, Plaintiff incorporates the above paragraphs.

93.

Defendants Jones, Marshall, and McLellan had a special relationship with A.S. as alleged in paragraph 28.

94.

As alleged in paragraphs, 33, 34, 37, 39, 40, 41 Defendants Jones, Marshall, and McLellan were aware that the situation at Red Rock School and Red Rock Management's

1 failures posed a danger to Oregon's foster children, including A.S. Defendants Jones, Marshall,
2 and McLellan are individually liable and were deliberately indifferent to A.S.'s liberty interest,
3 and her right to safety and well-being while in the care of the State of Oregon, and other rights
4 under the Fifth, and/or Fourteenth Amendments of the United States Constitution because they:

- 5 a) Affirmatively placed and continued to place A.S. into a dangerous situation by
6 placing her in an out of state residence with violent and substance addicted youth,
7 and untrained staff who regularly subjected A.S. to pain restraints, isolation, and
8 exposed her to Red Rock employees who were having physical relationships with
9 minors and were unlawfully providing prescription medications to minors.
10
11 b) Were deliberately indifferent to the obvious danger and were aware they had no
12 ability to adequately monitor A.S.'s safety, welfare, and general wellbeing at Red
13 Rock despite her being placed in a dangerous situation as fully described in
14 paragraphs 17, 32-47 above and as described in this complaint they took steps to
15 conceal the dangers that Red Rock Management and Red Rock School posed to A.S.

16 95.

17 Plaintiff being physically and emotionally abused as described in this Complaint was
18 foreseeable because of Defendants Jones, Marshall, and McLellan knowingly placing and
19 keeping A.S. in the dangerous Red Rock School.

20 96.

21
22 As a direct result of the actions and inactions of Defendants as set forth in paragraphs
23 31-46 above, A.S. endured and suffered physical injury and severe mental and emotional
24 distress. A.S. seeks non-economic damages in compensatory damages in whatever amount the
25 jury concludes is appropriate, not to exceed the damages as alleged in paragraph 78.

97.

Pursuant to 42 USC § 1988, A.S. should be awarded her attorney fees and litigation expenses/costs against all Defendants named in this claim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff A.S. prays for judgment against Defendants as follows:

I. On Count I-IV of Plaintiffs' First Claim for Negligence:

- (a) Economic damages in a reasonable amount to be determined by the jury, but not to exceed \$50,000.
- (b) Non-economic damages in the amount of \$300,000.
- (c) Costs and disbursements incurred herein.

II. On the Second Claim for Battery:

- (a) Economic damages in a reasonable amount to be determined by the jury, but not to exceed \$50,000.
- (b) Non-economic damages in the amount of \$50,000.
- (c) Costs and disbursements incurred herein.

III. On the Third Claim for Intentional Infliction of Emotional Distress:

- (a) Economic damages in a reasonable amount to be determined by the jury, but not to exceed \$50,000.
- (b) Non-economic damages in the amount of \$50,000.
- (c) Costs and disbursements incurred herein.

IV. On the Fourth Claim for First Amendment Violation:

- (a) Non-economic damages in the amount of \$25,000.00.
- (b) Reasonable attorney fees pursuant to 42 USC § 1988.
- (c) Costs and disbursements incurred herein.

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V. On the Fifth, Sixth, Seventh, and Eighth Claims for Fifth and Fourteenth Amendment Violations:

(d) Economic damages in a reasonable amount to be determined by the jury, but not to exceed \$50,000.00.

(e) Non-economic damages in the amount of \$150,000.00.

(f) Reasonable attorney fees pursuant to 42 USC § 1988.

(g) Costs and disbursements incurred herein.

Dated this 21st day of September, 2023.

ROSS LAW LLC

By: /s Jeremiah Ross

JEREMIAH ROSS, OSB 105980
Trial Attorney for Plaintiff
ross@rosslawllc.com

DEMAND FOR JURY TRIAL

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

Hearing Date:

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of Alabama, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **5th day of October, 2023** at **10:17 AM** at the address of **641 South Lawrence Street, Montgomery, Montgomery, AL 36104**; this declarant served the above described documents upon **VIVANT BEHAVIORAL HEALTHCARE, LLC c/o CORPORATION SERVICE COMPANY, INC, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **CORPORATION SERVICE COMPANY inc, REGISTERED AGENT, I delivered the documents to an individual with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 35-45 years of age, 5'4"-5'6" tall and weighing 140-160 lbs.**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Service Fee Total: **\$75.00**

Date: 10/05/2023



**Vadall Morrow, Reg. # R7326413, Alabama, Michelle L Riley
108 Ballington Way, Clanton, AL 35045 205-294-0617**

REF: **REF-13829333**



ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0115477929** PDX FIL



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

**DECLARATION OF MAILING OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 633 Yesler Way, Seattle, WA 98104.

That on **October 06, 2023**, after substituted service was made on **October 05, 2023** to **CORPORATION SERVICE COMPANY inc, REGISTERED AGENT**, a I delivered the documents to an individual with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 35-45 years of age, 5'4"-5'6" tall and weighing 140-160 lbs, I completed service by depositing a true copy of the **SUMMONS;COMPLAINT**, marked with confirmation of date, time, and place of substituted service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

VIVANT BEHAVIORAL HEALTHCARE, LLC
c/o CORPORATION SERVICE COMPANY, INC, REGISTERED AGENT
641 South Lawrence Street
Montgomery, AL 36104

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on October 06, 2023 at Seattle, WA.

/s/ Laurice Averill

Declarant Laurice Averill, 633 Yesler Way, Seattle, WA 98104. 206-521-9000.



Tracking #: **0115477927** PDX



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: VIVANT BEHAVIORAL HEALTHCARE, LLC
Registered Agent: CORPORATION SERVICE COMPANY INC
641 SOUTH LAWRENCE STREET
MONTGOMERY, AL 36104

CONTINUED ON NEXT PAGE

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief
demanded in the complaint.

3 **NOTICE TO THE DEFENDANT:**
4 **READ THESE PAPERS CAREFULLY!**

5 You must “appear” in this case, or the other side will win
6 automatically. To “appear” you must file with the court a legal
document called a “motion” or “answer.” The “motion” or
7 “answer” must be given to the court clerk or administrator
within 30 days along with the required filing fee. It must be in
8 proper form and have proof of service on the Plaintiff’s
attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
10 **If you have questions, you should contact an attorney immediately.** If you need help in finding an attorney,
11 you may contact the Oregon State Bar’s Lawyer Referral Service by calling (503) 684-3763 (in the Portland
metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

12 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
13 copy of the original Summons and Complaint in the above-entitled action.



Attorney of Record for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

Hearing Date:

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of Alabama, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **5th day of October, 2023** at **10:17 AM** at the address of **641 South Lawrence Street, Montgomery, Montgomery, AL 36104**; this declarant served the above described documents upon **SEQUEL TSI HOLDINGS, LLC c/o CORPORATION SERVICE COMPANY inc, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **CORPORATION SERVICE COMPANY inc, REGISTERED AGENT**, I delivered the documents to **CORPORATION SERVICE COMPANY inc, REGISTERED AGENT** with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 35-45 years of age, 5'4"-5'6" tall and weighing 140-160 lbs..

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Service Fee Total: **\$75.00**

Date: 10/05/2023



**Vadall Morrow, Reg. # R7326413, Alabama, Michelle L Riley
108 Ballington Way, Clanton, AL 35045 205-294-0617**

ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0115477784** PDX FIL

REF: **REF-13829333**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

**DECLARATION OF MAILING OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 633 Yesler Way, Seattle, WA 98104.

That on **October 06, 2023**, after personal service was made on **October 05, 2023** to **CORPORATION SERVICE COMPANY inc, REGISTERED AGENT**, a **I delivered the documents to CORPORATION SERVICE COMPANY inc, REGISTERED AGENT with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 35-45 years of age, 5'4"-5'6" tall and weighing 140-160 lbs**, I completed service by depositing a true copy of the **SUMMONS;COMPLAINT**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

SEQUEL TSI HOLDINGS, LLC
c/o CORPORATION SERVICE COMPANY inc, REGISTERED AGENT
641 South Lawrence Street
Montgomery, AL 36104

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on October 06, 2023 at Seattle, WA.

/s/ Laurice Averill

Declarant Laurice Averill, 633 Yesler Way, Seattle, WA 98104. 206-521-9000.



Tracking #: **0115477777** PDX



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: SEQUEL TSI HOLDINGS, LLC
Registered Agent: CORPORATION SERVICE COMPANY INC
641 SOUTH LAWRENCE STREET
MONTGOMERY, AL 36104

CONTINUED ON NEXT PAGE

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief
demanded in the complaint.

3 **NOTICE TO THE DEFENDANT:**
4 **READ THESE PAPERS CAREFULLY!**

5 You must “appear” in this case, or the other side will win
6 automatically. To “appear” you must file with the court a legal
document called a “motion” or “answer.” The “motion” or
7 “answer” must be given to the court clerk or administrator
within 30 days along with the required filing fee. It must be in
8 proper form and have proof of service on the Plaintiff’s
attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
10 **If you have questions, you should contact an attorney immediately.** If you need help in finding an attorney,
11 you may contact the Oregon State Bar’s Lawyer Referral Service by calling (503) 684-3763 (in the Portland
metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

12 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
13 copy of the original Summons and Complaint in the above-entitled action.

14
15 
16 _____
Attorney of Record for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

Hearing Date:

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of Alabama, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **5th day of October, 2023** at **10:17 AM** at the address of **641 South Lawrence Street, Montgomery, Montgomery, AL 36104**; this declarant served the above described documents upon **SEQUEL TSI HOLDINGS, LLC c/o CORPORATION SERVICE COMPANY inc, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **CORPORATION SERVICE COMPANY inc, REGISTERED AGENT**, I delivered the documents to **CORPORATION SERVICE COMPANY inc, REGISTERED AGENT** with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 35-45 years of age, 5'4"-5'6" tall and weighing 140-160 lbs..

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Service Fee Total: **\$75.00**

Date: 10/05/2023



**Vadall Morrow, Reg. # R7326413, Alabama, Michelle L Riley
108 Ballington Way, Clanton, AL 35045 205-294-0617**

REF: **REF-13829333**



ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0115477784** PDX FIL



IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: SEQUEL TSI HOLDINGS, LLC
Registered Agent: CORPORATION SERVICE COMPANY INC
641 SOUTH LAWRENCE STREET
MONTGOMERY, AL 36104

CONTINUED ON NEXT PAGE

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief
demanded in the complaint.

3 **NOTICE TO THE DEFENDANT:**
4 **READ THESE PAPERS CAREFULLY!**

5 You must “appear” in this case, or the other side will win
6 automatically. To “appear” you must file with the court a legal
document called a “motion” or “answer.” The “motion” or
7 “answer” must be given to the court clerk or administrator
within 30 days along with the required filing fee. It must be in
8 proper form and have proof of service on the Plaintiff’s
attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
10 **If you have questions, you should contact an attorney immediately.** If you need help in finding an attorney,
11 you may contact the Oregon State Bar’s Lawyer Referral Service by calling (503) 684-3763 (in the Portland
metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

12 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
13 copy of the original Summons and Complaint in the above-entitled action.

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15 _____
Attorney of Record for Plaintiff
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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

Hearing Date:

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of Alabama, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **5th day of October, 2023 at 10:17 AM** at the address of **641 South Lawrence Street, Montgomery, Montgomery, AL 36104**; this declarant served the above described documents upon **VIVANT BEHAVIORAL HEALTHCARE, LLC c/o CORPORATION SERVICE COMPANY, INC, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **CORPORATION SERVICE COMPANY inc, REGISTERED AGENT, I delivered the documents to an individual with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 35-45 years of age, 5'4"-5'6" tall and weighing 140-160 lbs.**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Service Fee Total: **\$75.00**

Date: 10/05/2023



**Vadall Morrow, Reg. # R7326413, Alabama, Michelle L Riley
108 Ballington Way, Clanton, AL 35045 205-294-0617**

REF: **REF-13829333**



ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0115477929** PDX FIL



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

Case No.: 23CV38869

SUMMONS

TO: VIVANT BEHAVIORAL HEALTHCARE, LLC
Registered Agent: CORPORATION SERVICE COMPANY INC
641 SOUTH LAWRENCE STREET
MONTGOMERY, AL 36104

CONTINUED ON NEXT PAGE

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief
demanded in the complaint.

3 **NOTICE TO THE DEFENDANT:**
4 **READ THESE PAPERS CAREFULLY!**

5 You must “appear” in this case, or the other side will win
6 automatically. To “appear” you must file with the court a legal
document called a “motion” or “answer.” The “motion” or
7 “answer” must be given to the court clerk or administrator
within 30 days along with the required filing fee. It must be in
8 proper form and have proof of service on the Plaintiff’s
attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
10 **If you have questions, you should contact an attorney immediately.** If you need help in finding an attorney,
11 you may contact the Oregon State Bar’s Lawyer Referral Service by calling (503) 684-3763 (in the Portland
metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

12 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
13 copy of the original Summons and Complaint in the above-entitled action.

14
15 _____
Attorney of Record for Plaintiff
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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

Hearing Date:

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of Utah, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **9th day of October, 2023 at 3:14 PM** at the address of **15 West South Temple Street, suite 600, Salt Lake City, Salt Lake, UT 84101**; this declarant served the above described documents upon **SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **CORPORATION SERVICE COMPANY, REGISTERED AGENT, I delivered the documents to CORPORATION SERVICE COMPANY, REGISTERED AGENT with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a gray-haired white female contact 55-65 years of age, 5'4"-5'6" tall and weighing 80-120 lbs with glasses. I served the documents to Wendy Phippen who is an employee authorized to receive service on behalf of Sequel Youth Services of Red Rock Canyon, LLC c/o Corporation Service Company, Registered Agent..**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Service Fee Total: **\$83.33**

Date: 10/09/2023



Jimi Hughes
3825 S Franklin Rd, Magna, UT 84044 801-949-8104

ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0115746498** PDX FIL

REF: **REF-13829333**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

DECLARATION OF MAILING OF
SUMMONS; COMPLAINT

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 633 Yesler Way, Seattle, WA 98104.

That on **October 11, 2023**, after personal service was made on **October 09, 2023** to **CORPORATION SERVICE COMPANY, REGISTERED AGENT**, a **I delivered the documents to CORPORATION SERVICE COMPANY, REGISTERED AGENT** with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a gray-haired white female contact 55-65 years of age, 5'4"-5'6" tall and weighing 80-120 lbs with glasses. I served the documents to Wendy Phippen who is an employee authorized to receive service on behalf of Sequel Youth Services of Red Rock Canyon, LLC c/o Corporation Service Company, Registered Agent, I completed service by depositing a true copy of the **SUMMONS; COMPLAINT**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC
c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT
15 West South Temple Street suite 600
Salt Lake City, UT 84101

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on October 11, 2023 at Seattle, WA.

/s/ Laurice Averill

Declarant Laurice Averill, 633 Yesler Way, Seattle, WA 98104. 206-521-9000.



Tracking #: **0115746493** PDX



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC
Registered Agent: CORPORATION SERVICE COMPANY
15 WEST SOUTH TEMPLE, SUITE 600
SALT LAKE CITY, UT 84101

CONTINUED ON NEXT PAGE

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief
demanded in the complaint.

3 **NOTICE TO THE DEFENDANT:**
4 **READ THESE PAPERS CAREFULLY!**

5 You must “appear” in this case, or the other side will win
6 automatically. To “appear” you must file with the court a legal
document called a “motion” or “answer.” The “motion” or
7 “answer” must be given to the court clerk or administrator
within 30 days along with the required filing fee. It must be in
8 proper form and have proof of service on the Plaintiff’s
attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
10 **If you have questions, you should contact an attorney immediately.** If you need help in finding an attorney,
11 you may contact the Oregon State Bar’s Lawyer Referral Service by calling (503) 684-3763 (in the Portland
metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

12 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
13 copy of the original Summons and Complaint in the above-entitled action.



Attorney of Record for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

Hearing Date:

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of Iowa, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

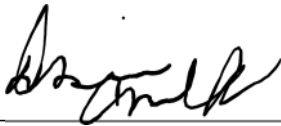
On the **9th day of October, 2023** at **1:49 PM** at the address of **505 East 5th Street, suite 729, Des Moines, Polk, IA 50309**; this declarant served the above described documents upon **SEQUEL YOUTH AND FAMILY SERVICES, LLC c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **CORPORATION SERVICE COMPANY, REGISTERED AGENT**, I delivered the documents to **CORPORATION SERVICE COMPANY, REGISTERED AGENT** with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 25-35 years of age, 5'4"-5'6" tall and weighing 120-140 lbs with glasses. I delivered the documents to Morgan day, receptionist.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Service Fee Total: **\$75.00**

Date: 10/09/2023



Desiree Childs
6300 SW 14th St, Des Moines, IA 50315 515-918-3141

ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0115731184** PDX FIL

REF: **REF-13829333**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

A.S. A PSEUDONYM

Plaintiff/Petitioner

Cause No.: **23CV38869**

vs.

**STATE OF OREGON, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES; ET AL**

Defendant/Respondent

DECLARATION OF MAILING OF
SUMMONS; COMPLAINT

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 633 Yesler Way, Seattle, WA 98104.

That on **October 11, 2023**, after personal service was made on **October 09, 2023** to **CORPORATION SERVICE COMPANY, REGISTERED AGENT**, a **I delivered the documents to CORPORATION SERVICE COMPANY, REGISTERED AGENT with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired white female contact 25-35 years of age, 5'4"-5'6" tall and weighing 120-140 lbs with glasses. I delivered the documents to Morgan day, receptionist**, I completed service by depositing a true copy of the **SUMMONS;COMPLAINT**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

SEQUEL YOUTH AND FAMILY SERVICES, LLC
c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT
505 East 5th Street suite 729
Des Moines, IA 50309

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on October 11, 2023 at Seattle, WA.

/s/ Laurice Averill

Declarant Laurice Averill, 633 Yesler Way, Seattle, WA 98104. 206-521-9000.



Tracking #: **0115731181** PDX



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: SEQUEL YOUTH AND FAMILY SERVICES, LLC
Registered Agent: CORPORATION SERVICE COMPANY
505 5TH AVE, SUITE 729
DES MOINES, IA 50309

CONTINUED ON NEXT PAGE

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief
demanded in the complaint.

3 **NOTICE TO THE DEFENDANT:**
4 **READ THESE PAPERS CAREFULLY!**

5 You must “appear” in this case, or the other side will win
6 automatically. To “appear” you must file with the court a legal
document called a “motion” or “answer.” The “motion” or
7 “answer” must be given to the court clerk or administrator
within 30 days along with the required filing fee. It must be in
8 proper form and have proof of service on the Plaintiff’s
attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
10 **If you have questions, you should contact an attorney immediately.** If you need help in finding an attorney,
11 you may contact the Oregon State Bar’s Lawyer Referral Service by calling (503) 684-3763 (in the Portland
metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

12 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
13 copy of the original Summons and Complaint in the above-entitled action.



Attorney of Record for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

v.

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited
liability company, RED ROCK CANYON
SCHOOL NON-PROFIT ORGANIZATION,
a foreign nonprofit; SEQUEL TSI
HOLDINGS, LLC, a foreign limited liability
company; SEQUEL YOUTH AND FAMILY
SERVICES, LLC, a foreign limited liability
company; VIVANT BEHAVIORAL
HEALTHCARE, LLC, a foreign limited
liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC,
a foreign limited liability company.
MARILYN JONES, in her individual and
official capacity; JANA MCLELLAN, in her
individual and official capacity; GLENDA
MARSHALL, in her individual and
professional capacity; RYAN SANTI, in his
individual and official capacity; GENA
PALM, in her individual and professional
capacity; and JOHN STUPAK, in his
individual and official capacity,

Defendants.

Case No. 23CV38869

DEFENDANT STATE OF
OREGON/DEPARTMENT OF HUMAN
SERVICES' NOTICE OF INTENT TO APPEAR

ORS 20.140 - State fees deferred at filing

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Page 1 - DEFENDANT STATE OF OREGON/DEPARTMENT OF HUMAN SERVICES' NOTICE
OF INTENT TO APPEAR

DB7/nk1/913545728

NOTICE OF INTENT TO APPEAR

Please take notice that Defendant State of Oregon, Department of Human Services, intends to appear in this action by and through the undersigned counsel. This notice is given subject to and without waiver of service of summons as required by ORCP 7.

DATED October 17, 2023.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Drew K. Baumchen
DREW K. BAUMCHEN #045032
CRAIG M. JOHNSON #080902
Senior Assistant Attorneys General
Trial Attorneys
Tel (971) 673-1880
Fax (971) 673-5000
Drew.Baumchen@doj.state.or.us
Craig.M.Johnson@doj.state.or.us
Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on October 17, 2023, I served the foregoing **DEFENDANT STATE OF OREGON/ DEPARTMENT OF HUMAN SERVICES' NOTICE OF INTENT TO APPEAR** upon the parties hereto by the method indicated below, and addressed to the following:

Jeremiah Ross
Ross Law L.L.C.
1207 SW 6th Ave.
Portland, OR 97204
Of Attorney for Plaintiff

☐ HAND DELIVERY
☐ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ SERVED BY E-FILING
☒ E- MAIL DELIVERY

s/ Drew K. Baumchen
DREW K. BAUMCHEN #045032
CRAIG M. JOHNSON #080902
Senior Assistant Attorney General
Trial Attorneys
Tel (971) 673-1880
Fax (971) 673-5000
Drew.Baumchen@doj.state.or.us
Craig.M.Johnson@doj.state.or.us
Of Attorneys for State Defendant

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC
Registered Agent: CORPORATION SERVICE COMPANY
15 WEST SOUTH TEMPLE, SUITE 600
SALT LAKE CITY, UT 84101

CONTINUED ON NEXT PAGE

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
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within 30 days along with the required filing fee. It must be in
8 proper form and have proof of service on the Plaintiff’s
attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
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metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

12 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
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15 _____
Attorney of Record for Plaintiff
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: SEQUEL YOUTH AND FAMILY SERVICES, LLC
Registered Agent: CORPORATION SERVICE COMPANY
505 5TH AVE, SUITE 729
DES MOINES, IA 50309

CONTINUED ON NEXT PAGE

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

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within 30 days along with the required filing fee. It must be in
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attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
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Attorney of Record for Plaintiff
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AFFIDAVIT OF SERVICE

State of Oregon

County of Multnomah

Circuit Court

Case Number: 23CV38869

Plaintiff:

A.S. a pseudonym

vs.

Defendant:

State of Oregon, by and through its Department of Human Services, Red Rock Canyon School, L.L.C., a limited liability company, Red Rock Canyon School Non-Profit Organization, a foreign nonprofit; Sequel TSI Holdings, LLC, a foreign limited liability company; Sequel Youth and Family Services, LLC, a foreign limited liability company; Vivant Behavioral Healthcare, LLC, a foreign limited liability company; Sequel Youth Services of Red Rock Canyon, LLC, a foreign limited liability company, et al.

For:

Jeremiah Ross
Ross Law LLC
50 SW Pine St
4th Floor, Suite 402
Portland, OR 97204

Received these papers to be served on **Glenda Marshall, 11514 SE Sherman Ct, Portland, OR 97216.**

I, Karen Rider, being duly sworn, depose and say that on the **9th day of October, 2023** at **5:07 pm, I:**

Personally Served Glenda Marshall with a true copy of a **Summons and Complaint** at the above listed address pursuant to state statutes and informing said person of contents thereof.

I am a competent person over 18 years of age and a resident of this State; I am not a party to nor an officer, director or employee of, nor attorney for any party. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Subscribed and Sworn to before me on the 10
day of October, 2023 by the affiant
who is personally known to me.

Joshua Belcher
NOTARY PUBLIC

Karen Rider

Karen Rider
Process Server

10.10.2023
Date

Our Job Serial Number: KRD-2023000542

JOSHUA BRIAN BELCHER
Notary Public
State of Washington
License Number 21020906
My Commission Expires
July 14, 2025

AFFIDAVIT OF NON-SERVICE

State of Oregon

County of Multnomah

Circuit Court

Case Number: 23CV38869

Plaintiff:

A.S. a pseudonym

vs.

Defendant:

State of Oregon, by and through its Department of Human Services, Red Rock Canyon School, L.L.C., a limited liability company, Red Rock Canyon School Non-Profit Organization, a foreign nonprofit; Sequel TSI Holdings, LLC, a foreign limited liability company; Sequel Youth and Family Services, LLC, a foreign limited liability company; Vivant Behavioral Healthcare, LLC, a foreign limited liability company; Sequel Youth Services of Red Rock Canyon, LLC, a foreign limited liability company, et al.

For:

Jeremiah Ross
Ross Law LLC
50 SW Pine St
4th Floor, Suite 402
Portland, OR 97204

Received these papers to be served on **Glenda Marshall, 16935 SE Mill St, Portland, OR 97233.**

I, Karen Rider, being duly sworn, depose and say that on the **4th day of October, 2023** at **5:40 pm, I:**

NON-SERVED the Summons and Complaint for the reason that I was unable to obtain service on **Glenda Marshall** at the address provided and I do not have any information to allow further search.

Additional Information pertaining to this Service:

White female here three years since buying home, no idea of defendant, still gets mail with her name.

I am a competent person over 18 years of age and a resident of this State; I am not a party to nor an officer, director or employee of, nor attorney for any party. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Subscribed and Sworn to before me on the 5
day of October, 2023 by the affiant
who is personally known to me.

Joshua Belcher
NOTARY PUBLIC

Karen Rider

Karen Rider
Process Server

10-5-2023
Date

Our Job Serial Number: KRD-2023000535

Copyright © 1992-2023 DreamBuilt Software, Inc. - Process Server's Toolbox V8.2n

JOSHUA BRIAN BELCHER
Notary Public
State of Washington
License Number 21020906
My Commission Expires
July 14, 2025

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: GLENDA MARSHALL
16935 SE MILL ST,
PORTLAND, OR 97233-4439

CONTINUED ON NEXT PAGE

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief
demanded in the complaint.

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7 “answer” must be given to the court clerk or administrator
within 30 days along with the required filing fee. It must be in
8 proper form and have proof of service on the Plaintiff’s
attorney or, if the Plaintiff does not have an attorney, proof of
service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

9
10 **If you have questions, you should contact an attorney immediately.** If you need help in finding an attorney,
11 you may contact the Oregon State Bar’s Lawyer Referral Service by calling (503) 684-3763 (in the Portland
metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

12 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
13 copy of the original Summons and Complaint in the above-entitled action.

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Attorney of Record for Plaintiff
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

STATE OF OREGON, by and through its Department
of Human Services, RED ROCK CANYON
SCHOOL, L.L.C., a limited liability company, RED
ROCK CANYON SCHOOL NON-PROFIT
ORGANIZATION, a foreign nonprofit; SEQUEL TSI
HOLDINGS, LLC, a foreign limited liability
company; SEQUEL YOUTH AND FAMILY
SERVICES, LLC, a foreign limited liability company;
VIVANT BEHAVIORAL HEALTHCARE, LLC, a
foreign limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN JONES
in her individual and official capacity; JANA
MCLELLAN, in her individual and official capacity;
GLENDA MARSHALL in her individual and
professional capacity; RYAN SANTI, in his individual
and official capacity; GENA PALM, in her individual
and professional capacity; and JOHN STUPAK, in his
individual and official capacity.

Defendants.

Case No. 23CV38869

ACCEPTANCE OF SERVICE-
STATE OF OREGON

Service of the Summons and Complaint for Defendant STATE OF OREGON in Multnomah
County Circuit Court Case 23CV38869 is hereby accepted. Defendant STATE OF OREGON will
waive any objections to the absence of a summons or formal service. The undersigned is an agent
authorized to accept legal service of the aforementioned documents. Service is deemed accepted on
the date this document is signed.

Date: 11.01.2023

s/ Drew K. Baumchen

Signature of Attorney

Drew K. Baumchen

Printed Name

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: STATE OF OREGON,
ATTORNEY GENERAL ELLEN ROSENBLUM
1162 COURT ST. NE
SALEM, OR 97301

CONTINUED ON NEXT PAGE

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

1 **YOU ARE HEREBY REQUIRED** to appear and defend the complaint filed against you in
2 the above-entitled cause within thirty (30) days from the date of service of this Summons upon you,
and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief
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metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

11 I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete
12 copy of the original Summons and Complaint in the above-entitled action.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

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Attorney of Record for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

STATE OF OREGON, by and through its Department of Human Services, RED ROCK CANYON SCHOOL, L.L.C., a limited liability company, RED ROCK CANYON SCHOOL NON-PROFIT ORGANIZATION, a foreign nonprofit; SEQUEL TSI HOLDINGS, LLC, a foreign limited liability company; SEQUEL YOUTH AND FAMILY SERVICES, LLC, a foreign limited liability company; VIVANT BEHAVIORAL HEALTHCARE, LLC, a foreign limited liability company; SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC, a foreign limited liability company. MARILYN JONES in her individual and official capacity; JANA MCLELLAN, in her individual and official capacity; GLENDA MARSHALL in her individual and professional capacity; RYAN SANTI, in his individual and official capacity; GENA PALM, in her individual and professional capacity; and JOHN STUPAK, in his individual and official capacity.

Defendants

Case No. 23CV38869

ACCEPTANCE OF SERVICE-

JANA MCLELLAN

Service of the Summons and Complaint for Defendant JANA MCLELLAN in Multnomah County Circuit Court Case 23CV38869 is hereby accepted. JANA MCLELLAN will waive any objections to the absence of a summons or formal service. The undersigned is an agent authorized to accept legal service of the aforementioned documents. Service is deemed accepted on the date this document is signed.

Date: 10.31.2023

s/ Drew K. Baumchen
Signature of Attorney

Drew Baumchen
Printed Name

1-ACCEPTANCE OF SERVICE

ROSS LAW L.L.C.
1207 SW 6th Ave.
Portland, Oregon 97204
T: (503)-224-1658
Email: ross@rosslawllc.com

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1-ACCEPTANCE OF SERVICE

ROSS LAW L.L.C.
1207 SW 6th Ave.
Portland, Oregon 97204
T: (503)-224-1658
Email: ross@rosslawllc.com

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3 IN THE CIRCUIT COURT OF THE STATE OF OREGON
4 FOR THE COUNTY OF MULTNOMAH

5 A.S. a pseudonym,

6 Plaintiff,

7 vs.
8

Case No.: 23CV38869

SUMMONS

9 STATE OF OREGON, by and through its
10 Department of Human Services, RED ROCK
11 CANYON SCHOOL, L.L.C., a limited liability
12 company, RED ROCK CANYON SCHOOL
13 NON-PROFIT ORGANIZATION, a foreign
14 nonprofit; SEQUEL TSI HOLDINGS, LLC, a
15 foreign limited liability company; SEQUEL
16 YOUTH AND FAMILY SERVICES, LLC, a
17 foreign limited liability company; VIVANT
18 BEHAVIORAL HEALTHCARE, LLC, a foreign
19 limited liability company; SEQUEL YOUTH
20 SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

21 Defendants.

22 **TO: JANA MCLELLAN**
23 7627 SE 32ND AVE,
24 PORTLAND, OR 97202-8550

25 ***CONTINUED ON NEXT PAGE***
26

-SUMMONS

ROSS LAW LLC
1207 SW SIXTH AVE
PORTLAND, OREGON 97204
T: 503.224.1658 · F: 888.499.2575

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SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

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Attorney of Record for Plaintiff
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

STATE OF OREGON, by and through its Department
of Human Services, RED ROCK CANYON
SCHOOL, L.L.C., a limited liability company, RED
ROCK CANYON SCHOOL NON-PROFIT
ORGANIZATION, a foreign nonprofit; SEQUEL TSI
HOLDINGS, LLC, a foreign limited liability
company; SEQUEL YOUTH AND FAMILY
SERVICES, LLC, a foreign limited liability company;
VIVANT BEHAVIORAL HEALTHCARE, LLC, a
foreign limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN JONES
in her individual and official capacity; JANA
MCLELLAN, in her individual and official capacity;
GLENDA MARSHALL in her individual and
professional capacity; RYAN SANTI, in his individual
and official capacity; GENA PALM, in her individual
and professional capacity; and JOHN STUPAK, in his
individual and official capacity.

Defendants.

Case No. 23CV38869

ACCEPTANCE OF SERVICE-
MARILYN JONES

Service of the Summons and Complaint for Defendant MARILYN JONES in Multnomah
County Circuit Court Case 23CV38869 is hereby accepted. Defendant MARILYN JONES will waive
any objections to the absence of a summons or formal service. The undersigned is an agent
authorized to accept legal service of the aforementioned documents. Service is deemed accepted on
the date this document is signed.

Date: 11.06.2023

s/ Drew K. Baumchen

Signature of Attorney

Drew K. Baumchen

Printed Name

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,
Plaintiff,
vs.

Case No.: 23CV38869

SUMMONS

STATE OF OREGON, by and through its
Department of Human Services, RED ROCK
CANYON SCHOOL, L.L.C., a limited liability
company, RED ROCK CANYON SCHOOL
NON-PROFIT ORGANIZATION, a foreign
nonprofit; SEQUEL TSI HOLDINGS, LLC, a
foreign limited liability company; SEQUEL
YOUTH AND FAMILY SERVICES, LLC, a
foreign limited liability company; VIVANT
BEHAVIORAL HEALTHCARE, LLC, a foreign
limited liability company; SEQUEL YOUTH
SERVICES OF RED ROCK CANYON, LLC, a
foreign limited liability company. MARILYN
JONES in her individual and official capacity;
JANA MCLELLAN, in her individual and official
capacity; GLENDA MARSHALL in her individual
and professional capacity; RYAN SANTI, in his
individual and official capacity; GENA PALM, in
her individual and professional capacity; and
JOHN STUPAK, in his individual and official
capacity.

Defendants.

TO: MARILYN JONES

-SUMMONS

CONTINUED ON NEXT PAGE

YOU ARE HEREBY REQUIRED to appear and defend the complaint filed against you in the above-entitled cause within thirty (30) days from the date of service of this Summons upon you, and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for relief demanded in the complaint.

NOTICE TO THE DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must “appear” in this case, or the other side will win automatically. To “appear” you must file with the court a legal document called a “motion” or “answer.” The “motion” or “answer” must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the Plaintiff’s attorney or, if the Plaintiff does not have an attorney, proof of service on the Plaintiff.



SIGNED ATTORNEY FOR PLAINTIFF

Jeremiah V. Ross	<u>105980</u>
Attorney Name	Bar No.
Ross Law L.L.C.	
1207 SW 6 th Ave.	
Portland, OR 97204	

If you have questions, you should contact an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636, or online at www.oregonstatebar.org.

I, the undersigned attorney of record for Plaintiff, certify that the foregoing is an exact and complete copy of the original Summons and Complaint in the above-entitled action.

Attorney of Record for Plaintiff

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

STATE OF OREGON, by and through its Department of Human Services, RED ROCK CANYON SCHOOL, L.L.C., a limited liability company, RED ROCK CANYON SCHOOL NON-PROFIT ORGANIZATION, a foreign nonprofit; SEQUEL TSI HOLDINGS, LLC, a foreign limited liability company; SEQUEL YOUTH AND FAMILY SERVICES, LLC, a foreign limited liability company; VIVANT BEHAVIORAL HEALTHCARE, LLC, a foreign limited liability company; SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC, a foreign limited liability company. MARILYN JONES in her individual and official capacity; JANA MCLELLAN, in her individual and official capacity; GLENDA MARSHALL in her individual and professional capacity; RYAN SANTI, in his individual and official capacity; GENA PALM, in her individual and professional capacity; and JOHN STUPAK, in his individual and official capacity.

Defendants.

Case No.: 23CV38869

NOTICE OF APPEARANCE

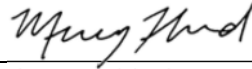
TO THE CLERK OF COURT:

Kindly enter the appearance of attorney Minney Thind for Defendant, Vivant Behavioral Healthcare, LLC (“Vivant”), in the above captioned matter.

DATED: November 3, 2023

BUCHANAN INGERSOLL & ROONEY LLP

By:



Minney Thind 232144

Attorney for Defendant

Vivant Behavioral Healthcare, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing Notice of Appearance was filed via the Court's electronic filing system, and served upon all counsel of record upon acceptance by the Clerk.



Minney Thind

DATED: November 3, 2023

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

A.S. a pseudonym,

Plaintiff,

vs.

STATE OF OREGON, by and through its Department of Human Services, RED ROCK CANYON SCHOOL, L.L.C., a limited liability company, RED ROCK CANYON SCHOOL NON-PROFIT ORGANIZATION, a foreign nonprofit; SEQUEL TSI HOLDINGS, LLC, a foreign limited liability company; SEQUEL YOUTH AND FAMILY SERVICES, LLC, a foreign limited liability company; VIVANT BEHAVIORAL HEALTHCARE, LLC, a foreign limited liability company; SEQUEL YOUTH SERVICES OF RED ROCK CANYON, LLC, a foreign limited liability company. MARILYN JONES in her individual and official capacity; JANA MCLELLAN, in her individual and official capacity; GLENDA MARSHALL in her individual and professional capacity; RYAN SANTI, in his individual and official capacity; GENA PALM, in her individual and professional capacity; and JOHN STUPAK, in his individual and official capacity.

Defendants.

Case No.: 23CV38869

PROOF OF SERVICE

I, the undersigned, am over 18 years of age and not a party to this action. I am employed in the county where the mailing took place. My business address is 600 West Broadway, Suite 1100, San Diego, CA 92101. On November 3, 2023, I served the following documents:

NOTICE OF APPEARANCE

☐ **By E-Mail:** I caused all of the pages of the above-entitled document(s) to be electronically served on designated recipient(s).

☐ **By Fax Transmission.** I faxed the documents to the person(s) at the fax number(s) listed below. No error was reported by the fax machine that I used.


☒ **By United States Mail.** I enclosed the documents in a sealed envelope or package addressed to the person(s) at the address(es) listed below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ **By Overnight Delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) at the address(es) listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ **By Personal Service.** I caused the documents listed above to be personally delivered to the person(s) at the address(es) listed below by messenger.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 3, 2023, at San Diego, California.



Emily Leamons

SERVICE LIST

JEREMIAH V. ROSS
ATTORNEY FOR PLAINTIFF
ROSS LAW L.L.C.
1207 SW 6TH AVENUE
PORTLAND, OR 97204
TELEPHONE: 503-224-1658
FACSIMILE: 888-499-2575